



DEPARTMENT OF COMMERCE

International Trade Administration

[C-533-876]

Fine Denier Polyester Staple Fiber from India: Final Results of Countervailing Duty Administrative Review; 2020

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that countervailable subsidies were being provided to Reliance Industries Limited (Reliance) that are above *de minimis* during the period of review (POR), January 1, 2020, through December 31, 2020.

DATES: Applicable [Insert date of publication in the *Federal Register*].

FOR FURTHER INFORMATION CONTACT: Thomas Martin, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-3936.

SUPPLEMENTARY INFORMATION:

Background

On March 8, 2022, Commerce published the *Preliminary Results* of this review.¹ A summary of the events that occurred since Commerce published the *Preliminary Results*, as well as a full discussion of the issues raised by parties for these final results, are discussed in the Issues and Decision Memorandum.² The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to

¹ See *Fine Denier Polyester Staple Fiber from the Republic of India: Preliminary Results of Countervailing Duty Administrative Review; 2020*, 87 FR 12936 (March 8, 2022) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

² See Memorandum, "Issues and Decision Memorandum for the Final Results of the 2020 Administrative Review of the Countervailing Duty Order on Fine Denier Polyester Staple Fiber from India," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Order³

The merchandise covered by this *Order* is fine denier polyester staple fiber. For a complete description of the scope of this order, *see* the Issues and Decision Memorandum.

Analysis of Comments Received and Changes Since the Preliminary Results

All issues raised in the case brief submitted by Auriga Polymers, Inc., Fiber Industries LLC, and Nan Ya Plastics Corporation, America are addressed in the Issues and Decision Memorandum. A list of the issues discussed in the Issues and Decision Memorandum is included as the appendix to this notice. Based on our analysis of the comments received and record information, we revised the countervailing duty (CVD) subsidy rates calculated for Reliance. These changes are explained in the Issues and Decision Memorandum.

Methodology

Commerce conducted this administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found to be countervailable, we find that there is a subsidy, *i.e.*, a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.⁴ For a description of the methodology underlying Commerce's conclusions, *see* the Issues and Decision Memorandum.

Final Results of Review

In accordance with section 751(a)(1) of the Act and 19 CFR 351.221(b)(5), we find the net countervailable subsidy rate for the POR January 1, 2020, through December 31, 2020 to be as follows:

| Company | Subsidy Rate (percent <i>ad valorem</i>) |
|-----------------------------|---|
| Reliance Industries Limited | 6.88 |

³ See *Fine Denier Polyester Staple Fiber from the People's Republic of China and India: Amended Final Affirmative Countervailing Duty Determination for the People's Republic of China and Countervailing Duty Orders for the People's Republic of China and India*, 83 FR 11681 (March 16, 2018) (*Order*).

⁴ See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5)(A) of the Act regarding specificity.

Disclosure

Commerce intends to disclose the calculations and analysis performed for these final results to interested parties within five days of the date of publication of this notice in the *Federal Register*.⁵

Assessment Rates

In accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(2), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, CVDs on all appropriate entries covered by this review. Commerce intends to issue appropriate assessment instructions to CBP no earlier than 35 days after the date of this publication of the final results of this review in the *Federal Register*. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

In accordance with section 751(a)(1) of the Act, we also intend to instruct CBP to collect cash deposits of estimated CVDs in the amount shown above. For all non-reviewed firms, CBP will continue to collect cash deposits of estimated CVDs at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, effective upon publication of these final results, shall remain in effect until further notice.

Administrative Protective Order

This notice also serves as a reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 315.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification

⁵ See 19 CFR 351.224(b).

of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

These final results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: July 6, 2022.

Ryan Majerus,
Deputy Assistant Secretary
for Policy and Negotiations.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Changes Since the *Preliminary Results*
- V. Use of Facts Otherwise Available and Application of Adverse Inferences
- VI. Subsidies Valuation
- VII. Analysis of Programs
- VIII. Discussion of the Issues
 - Comment 1: Land Benchmark
 - Comment 2: Correction of Errors Regarding the Duty Drawback (DDB) Program
 - Comment 3: Correction of Errors Regarding the Special Economic Zone (SEZ) Program
 - Comment 4: Correct Subsidy Rate
- IX. Recommendation

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